WP(C) 6048/2007

BEFORE

HON’BLE JUSTICE MR I. A. ANSARI

Heard Mr. H. R. A. Choudhury, learned Senior counsel, appearing on behalf of the petitioner, and Mr. M. R. Pathak, learned Standing counsel for the Department of Education, Government of Assam.

While the petitioner herein was serving as an Assistant teacher in Samata Higher Secondary School, District Nalbari, his service was terminated by order, dated 25.01.1999, by the respondents/authorities concerned. Aggrieved by the termination of his service, the petitioner filed a writ petition under Article 226 of the Constitution of India, which gave rise to WP(C) No. 443/1999. By order, dated 22.07.2005, passed in WP(C) No. 443/1999, the High Court set aside the order, dated 25.01.1999, aforementioned, on the ground that the petitioner had not been put to notice before the order of termination was issued.

By order, dated 08.11.2007 (Annexure 9 to this Writ petition), the petitioner’s service has, once again, been terminated. There was, admittedly, no notice issued to the petitioner giving him any opportunity of showing cause and hearing before the order, dated 08.11.2007, aforementioned was issued. Hence, the petitioner has impugned the order, dated 08.11.2007, in this writ petition, seeking appropriate relief.

It is, now, submitted by Mr. M. R. Pathak, learned Standing counsel, Department of Education, that the impugned order, dated 08.11.2007, may be set aside and the writ petition may be disposed of with liberty given to the respondents to proceed with the matter of alleged illegal appointment of the present writ petitioner in accordance with law by issuing show cause notice to the petitioner. To the submissions, so made, no effective objection could be raised on behalf of the petitioner.

Considering the matter in its entirety and in the interest of justice, the impugned order, dated 08.11.2007, is hereby set aside to the extent that the same relates to the present petitioner. The present petitioner shall accordingly stand reinstated in service treating the impugned order, dated 08.11.2007, as non est in law. The respondents are hereby given the liberty to proceed with the matter, as sought for by them, in accordance with law.

With the above observations and directions this writ petition shall stand disposed of.